

REMARKS/ARGUMENTS

The final Office Action of January 2, 2009, has been reviewed and these remarks are responsive thereto. Claims 1, 5, 6, 9, 13, 14, 17, 21, 22, and 25-39 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 1, 5, 6, 9, 13, 14, 17, 21, 22, and 25-39 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action alleges that the claimed feature “wherein the computing device is configured to display at least a portion of the EPG on the second display while the video display is concurrently displaying at least a portion of the EPG,” is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant respectfully disagrees.

Specifically, the Office Action argues the following:

There is no positive recitation that while an EPG is displayed on the computer device 105, the EPG may also be displayed on video display 105 concurrently. The specification only teaches that portions of an EPG can be displayed on either device.

Office Action, page 4. However, as Applicant previously noted in the Amendment filed October 1, 2008, claim 2 of the instant application as originally filed states, “wherein the video display can display a portion of the EPG concurrently displayed on the second display of the computing device.” (Emphasis added) Applicant maintains that this disclosure, along with the additional support found throughout the specification, clearly conveys that the inventor had possession of the claimed invention at the time the application was filed. MPEP § 608.

In the Response to Arguments section, the Office Action identifies two instances in which the wording of original claims 1 and 2 differs from the wording of current claim 1, and then concludes:

As shown, both claims differ in scope and therefore the original disclosure of the specification cannot be used to support the currently amended claims.

Office Action, page 2. Applicant does not believe the Office's argument is proper with respect to the written description requirement. To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. MPEP § 2163 (I). There is no requirement, as suggested by the Office, that the wording of the original disclosure must exactly match the current claim scope. Original claim 2 clearly discloses displaying a portion of an EPG on a first video display while concurrently displaying the EPG a second display. Based on this section, and the additional support found throughout the specification, Applicant submits that one skilled in the art would reasonably conclude that the inventor had possession of the invention of current claims 1, 9, and 17. Reconsideration and withdrawal of the pending rejections under 35 U.S.C. § 112, first paragraph, is respectfully requested.

The Office Action further rejects claims 34 and 37 under 35 U.S.C. § 112, first paragraph, as allegedly failing to provide support in the original specification for displaying the same portion of the EPG on the different displays. (Emphasis added) Applicant respectfully disagrees. These claims are supported, for example, in paragraph [0033] of the specification as originally filed. This paragraph describes, *inter alia*, that a user of the EPG displayed on computing device may interact with a user input device to "display portions of or the entire EPG on video display 105" so that it is possible for a user to "share programming information with all viewers," including those "unable to use display screen 158." Applicant submits that one skilled in the art would reasonably understand that sharing programming information with other viewers via a second display screen involves displaying the same portion of the EPG on the two different displays. Therefore, Applicant also requests reconsideration and withdrawal of the pending rejections of claims 34 and 37 under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. § 102

Claims 1, 9, 12, 15, 17, 20, 23, and 25-39 stand rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,862,741 (*Grooters*). Applicant respectfully traverses these rejections for at least the following reasons.

Preliminarily, Applicant maintains the previous arguments in the Amendment filed October 1, 2008, *i.e.*, that *Grooters* does not disclose concurrently displaying a portion of an

EPG on multiple displays. The Office Action relies on col. 7, lines 24-36, and claim 1 of *Grooters* as allegedly showing concurrently displaying an EPG on a video display and a second display of a computing device. However, col. 7, lines 24-36 of *Grooters* only states that after the user selects an option from an EPG on the first display 226, the program guide data is displayed on the second display 228, rather than on display 226. Furthermore, neither this section nor any other section of *Grooters* uses the word “concurrently” or any equivalent term. Thus, Applicant submits that *Grooters* does not disclose portions of an EPG displayed “concurrently” on two different displays. In fact, if anything, *Grooters* indicates that the EPG would be displayed on one device or the other, but not concurrently on both devices.

Additionally, Applicant notes that the language of claim 1 of *Grooters*, also relied upon by the Office Action in this rejection. However, neither this language nor any similar language existed in *Grooters* at the time the application was filed. Accordingly, Applicant submits that the language of claim 1 of *Grooters* is not prior art to the present application.

Therefore, since *Grooters* does not disclose “display[ing] at least a portion of the EPG on the second display while the video display is concurrently displaying at least a portion of the EPG,” claim 1 is not anticipated by *Grooters*.

Independent claims 9 and 17 each recite, “causing at least a portion of the EPG to be displayed on the first video display while concurrently displaying at least a portion of the EPG on the second display.” Therefore, for similar reasons to those discussed above in reference to claim 1, *Grooters* also does not anticipate claims 9 or 17. Dependent claims 25-39 are thus also not anticipated by *Grooters* for at least the same reasons as their respective base claims 1, 9, and 17, as well as based on the additional features recited therein.

Claims 25-27 each recite displaying the entire EPG on the video display concurrently while displaying the entire EPG on the second display. As described above, *Grooters* does not disclose concurrently displaying an EPG on multiple displays. Furthermore, even assuming, without admitting, that *Grooters* did teach concurrently displaying the EPG on multiple displays, it would still only teach a portion of the EPG on each display. Therefore, claims 25-27 are also not anticipated by *Grooters* for at least this additional reason.

Claims 31-33 each recite displaying less than the entire EPG on the video display concurrently while displaying at least a portion of the EPG on the second display. The Office Action alleges on page 7 that *Grooters* teaches this additional feature somewhere between col. 5,

line 43 and col. 8, line 20. Applicant continues to disagree that this section of *Grooters* discloses or even suggests displaying less than the entire EPG concurrently on two different displays. Furthermore, for the second time, Applicant notes that the portion of *Grooters* relied upon by the Office Action as allegedly teaching this feature constitutes the bulk of the *Grooters* disclosure. Applicant respectfully requests that the Examiner identify with more specificity the location within *Grooters* where this feature is allegedly taught.

Claims 34 and 37 recites wherein the portion of the EPG displayed on the first video display is the same as the portion of the EPG concurrently displayed on the second display. As discussed above, *Grooters* does not disclose displaying portions of an EPG concurrently on two different displays. Furthermore, even assuming, without admitting, that *Grooters* did teach concurrently displaying the EPG on multiple displays, it still would not teach the additional feature of displaying the same portion of the EPG on both displays, as recited in claims 34 and 37.

Claims 35 and 38 recite displaying a “preview of a broadcast program” on the second display, while claims 36 and 39 further recite wherein the preview of the broadcast program is displayed on the second display concurrently while a separate broadcast program is displayed on the first video display. The Office Action alleges on page 8 that *Grooters* teaches displaying a preview at col. 7, lines 24-35. However, the Applicant disagrees with the Office’s characterization of a preview as merely “the time and information related to the highlighted time slot.” The word “preview” as defined by Dictionary.com means “an advance showing of brief scenes in a motion picture, television show, etc., for purposes of advertisement.” Retrieved on March 30, 2009, from <http://dictionary.reference.com/browse/preview>. The definition of preview provided by the Office Action not only makes these claims redundant, it is also contrary to what one of ordinary skill in the art would understand as a “preview of a broadcast program.” Therefore, since *Grooters* does not disclose or even suggest displaying a preview of a broadcast program on the second display, claims 35, 36, 38, and 39 are also not anticipated for at least this additional reason.

Rejections Under 35 U.S.C. §103

Claims 5-6, 13-14 and 21-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Grooters* in view of U.S. Patent No. 6,774,926 (Ellis). However, Ellis fails to overcome the

above-discussed deficiencies of Grooters, in that Ellis also fails to disclose or suggest “display[ing] at least a portion of the EPG on the video display while concurrently displaying at least a portion of the EPG on the second display,” as recited in claim 1, or “causing at least a portion of the EPG to be displayed on the first video display while concurrently displaying at least a portion of the EPG on the second display,” as recited in claim 9 and 17. Accordingly, dependent claims 5-6, 13-14 and 21-22 are not obvious in view of the purported combination of Grooters and Ellis for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicant’s undersigned representative at the below-listed number.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated this 2nd day of April, 2009

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